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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED

5/19/21 3:27 pm

CLERK

In re:	:	Case No.:	20-23110-GLT	U.S. BANKRUPTCY
	:	Chapter:	13	COURT - WDPa
Brian Adams	:			
	:			
	:	Date:	5/19/2021	
Debtor(s).	:	Time:	10:00	

PROCEEDING MEMO

MATTER: #41 - Motion for Relief from Stay Filed By Argolica
 #46 Response filed by Debtor

APPEARANCES:
 Debtor: Mark Peduto
 Argolica/Anthiem: Maria Miksich

NOTES: (10:28)

Court: There is a question of standing because the motion was brought by an entity called Argolica, LLC.

Miksich: The property was sold to Anthiem in October 2020 and the petition was filed in November. We're requesting relief as an additional precaution in order to have the sheriff's deed recorded.

Peduto: We filed a motion to set aside because the debtor was never served with the complaint. There's an order in Fayette County staying Anthiem's pursuit of their judgement. This is the debtor's residence, there's equity in it and there's no danger to the plaintiff. There's also a personal injury claim that should pay off all creditors 100%.

Court: What's happened since that order was entered?

Peduto: Someone has to move the case forward in Fayette County. There's an issue of whether my client ever had notice.

Court: Is there any issue about whether Anthiem has standing to bring the motion?

Peduto: No. But then the issue becomes whether there was notice.

Court: There is no issue with the court providing limited stay relief in order to have the petition to set aside adjudicated?

Peduto: I don't disagree with that. I just don't want the sheriff's deed recorded. I have no issue with limited relief in order to pursue the petition to strike.

Miksich: If we could continue I can file an amended motion.

Court: I will deny the motion due to lack of standing, but in lieu of an amended motion, the parties shall file a proposed order granting limited stay relief to pursue adjudication of the petition to set aside and to further provide that if the petition is granted, the section 362(a) stay remains in place and if the petition is denied through a final, non-appealable order, the section 362(a) stay is lifted in all respects as to the subject property.

OUTCOME:

1. Argolica's *Motion for Relief from Stay* [Dkt. No. 41] is DENIED for the reasons stated on the record. On or before June 2, 2021, the parties shall file a proposed order under a certification of counsel providing stay relief on the grounds discussed at the May 19, 2021 hearing. The order shall include limited stay relief for the purpose of allowing the state court to adjudicate the pending petition to set aside the sheriff's sale. The Order shall further provide that if the set-aside petition is granted, the section 362(a) stay shall remain in place pending further Court order; and if the petition is denied through a final, non-appealable order, the section 362(a) stay shall be lifted in all respects as to the subject property. [Text Order to Issue]

DATED: 5/19/2021